

Customer No. 26308

Docket No. 9404.20834

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Pettersson et al.
Serial No.: 10/531,598
Filed: 25 November 2005
For: Gastric Acid Secretion Inhibition Composition

Group No.: 1618
Examiner: Micah-Paul Young

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: GROUP DIRECTOR

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE
BUT BEFORE PAYMENT OF ISSUE FEE (37 CFR 1.97(d))

NOTE: "An information disclosure statement shall be considered by the Office if filed after the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee, provided the statement is accompanied by: (i) a certification as specified in paragraph (e) of this section, (ii) a petition requesting consideration of the information disclosure statement, and (iii) the petition fee set forth in § 1.17(i)(1)." 37 CFR 1.97(d) (emphasis in original).

NOTE: If the information disclosure statement that contains the items required by 37 CFR 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40).

TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed after a final action under § 1.113 or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with the payment of the issue fee.

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

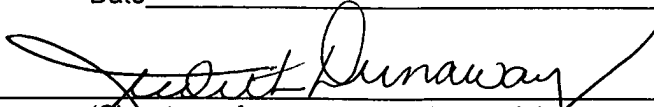
Date 22 December 2009

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, addressed to the Examiner and Group identified above.

Facsimile No. _____

Date _____


(Signature of person mailing/transmitting paper)
Judith Dunaway
(Type or print name of person mailing/transmitting paper)

CERTIFICATION, PETITION AND FEE

2. In accordance with the requirements of 37 CFR 1.97(d):
- A. Accompanying this transmittal is a certification as specified in 37 CFR 1.97(e).
 - B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 CFR 1.97(d)(ii).
 - C. Applicant submits the petition fee set forth in § 1.17(i)(1). (\$130.00)

NOTE: "The Petition should be directed to the group director of the examining group handling the application. The petition need to nothing more than request consideration of the information being submitted." Notice of April 20, 1992 (1138 O.G. 37-41, 40).

FEES DUE

3. A. ☐ Petition fee due (§ 1.17(i)(1)): \$130.00
- B. ☒ The fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under 37 CFR 1.97(c). (\$180.00).


METHOD OF PAYMENT OF FEE

4. ☒ Attached is a check for \$180.00
- ☒ Any fee deficiency or overpayment may be charged/credited to Account No. 06-2360
A duplicate of this petition is attached.

Reg. No. 29,243

Telephone: (262) 783 - 1300

Customer No. 26308



(Signature of Attorney)
Daniel D. Ryan
RYAN KROMHOLZ & MANION, S.C.
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STATEMENT UNDER 37 CFR 1.97(e)

It is hereby certified that:

- ☒ Each item of information contained in the attached Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

or

- ☐ No item of information contained in the attached information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the attached information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Dated 22 December 2009

By



Signature of Attorney of Record

Reg. No. 29,243

Daniel D. Ryan

Typed Name of Attorney of Record



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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pettersson et al

Attorney Docket No.: 9404.20834

Serial No.: 10/531,598

Examiner: Micah-Paul Young

Filed: November 25, 2005

Group Art Unit: 1618

Title: Gastric Acid Secretion Inhibition Composition

**SUBMISSION OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97 (d) (AFTER NOTICE OF ALLOWANCE)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits a Supplemental Information Disclosure Statement Pursuant to 37 C.F.R. § 1.97(d). The requisite fee accompanies this submission.

A Notice of Allowance for this application was mailed October 21, 2009.

The Supplemental Information Disclosure Statement lists Japanese Patent Publication Number 2000-63280 (Published 29 February 2000). Japanese Patent Publication Number 2000-63280 was first cited in any communication from a foreign patent office in a counterpart foreign patent application (Japanese) not more than three months prior to the filing of the Supplemental Information Disclosure Statement.

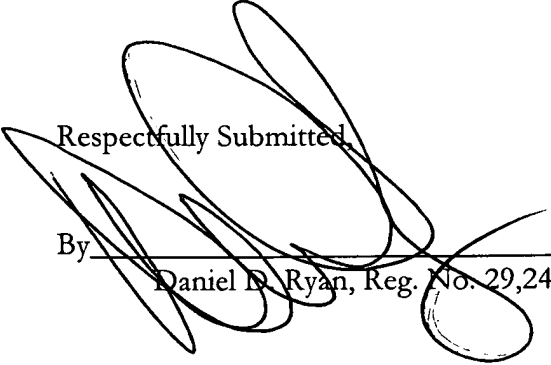
A copy of the face page of Japanese Patent Publication Number 2000-63280 (in Japanese) accompanies the Statement. A copy of the English Language Patent Abstract for Japanese Patent Publication Number 2000-63280 also accompanies the Statement. A copy of an English Language translation of Japanese Patent Publication Number 2000-63280 in its entirety further accompanies the Statement.

Japanese Patent Publication Number 2000-63280 is not believed to be pertinent to the invention defined in the allowed claims.

As best understood, Japanese Patent Publication Number 2000-63280 relates to treatment of *H. pylori* infections, not GERD. The main therapeutic composition which is disclosed is an herbal composition comprising extract components of goldthread and/or oubaku, and extract components of dried orange peel. It is stated (e.g. at Claim 6) that this composition can be combined with "at least one sort of H2RA, PPI, stomach mucous membrane protective...antacid and diarrhoea prevention drug". This language is repeated throughout the specification represents neither a disclosure nor a suggestion to combine H2RA and PPI in particular, but rather that a host of gastrointestinal drugs can be combined with the main invention. See, for example, the statement at page 6, lines 4 to 12 "In addition, [the inventors of this invention have] discovered that, by combining [with the invention] H2RA or PPIs (for example....), stomach,..., antacid drugs and the like, they obtained an unexpectedly great effect in the prevention, treatment of such things as gastritis, stomach ulcers...." (Emphasis on the word "or" added). It is also stated at page 9, lines 9 to 13 "With these PPIs, it is desirable to suppress the gastritis effects by methods such as using them in combination with the antacids shown below or by making an enteric coated formulation or stabilising formulation (for example, a basic inorganic salt of magnesium or calcium)". Thus, combining with antacids is considered an appropriate thing to mention. There is no suggestion to combine PPIs with H2RAs.

Respectfully Submitted,

By


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